

RESOLUTION NO. R-39-19

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR AND CITY ATTORNEY TO INITIATE LEGAL ACTION TO ENFORCE THE MINIMUM USAGE PROVISION OF ARTICLE III OF THE 2002 AGREEMENT TO ADJUST MUNICIPAL BOUNDARIES, PROVIDE MUNICIPAL SERVICES, AND RELATED ISSUES

WHEREAS, the water service provisions of Article III of the 2002 Agreement between the cities of Barling and Fort Smith, the Agreement to Adjust Municipal Boundaries, Provide Municipal Services and Related Issues, provides a minimum daily usage requirement calculated on an annual basis, and,

WHEREAS, to date, Barling has not been willing to pay to Fort Smith the charge for that portion of the minimum usage requirement not actually used and paid by Barling, and,

WHEREAS, negotiations regarding this and other water related issues have not resolved the dispute related to Barling's failure to take the required minimum usage, and,

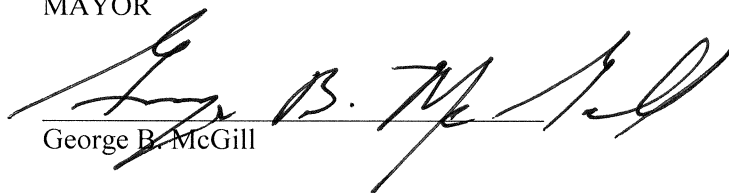
WHEREAS, Resolution No. R-169-18 authorized and directed the City Administrator and City Attorney to complete negotiations regarding Barling's minimum usage under the 2002 Agreement by March 1, 2019 and initiate legal action to enforce the minimum usage provisions of Article III of the 2002 Agreement if negotiations did not result in a resolution of the matter by that date; and,

WHEREAS, though the matter has not yet been resolved, the City of Barling has been responsive and engaged in active discussion of the matter with the City Administrator and City Attorney, and the City Administrator recommends extending such date for negotiations to May 17, 2019.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Fort Smith that the City Administrator and the City Attorney are hereby authorized and directed to complete negotiations regarding Barling's minimum water usage under the 2002 Agreement by May 17, 2019 and, if the negotiations do not result in a resolution approved by the Board, to initiate legal action to enforce the minimum usage provisions of Article III of the 2002 agreement.

Approved and adopted this 12th day of March 2019.

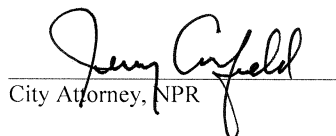
MAYOR


George B. McGill

ATTEST:


City Clerk

Approved as to form:


City Attorney, NPR